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ABSTRACT

This publication is the complete transcript of a weekly radio program devoted to contemporary issues in American education. This particular program consists of an informal debate on various educational issues between Terry Herndon, executive director of the National Education Association (NEA), and Albert Shanker, president of the American Federation of Teachers (AFT). The debate focuses primarily on the topics of discipline problems in the schools, the use and validity of standardized achievement tests, teacher evaluation and tenure, affirmative action in education and the Bakke case, and the continuing conflict between the NEA and the AFT. (JG)

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OPTIONS IN EDUCATION

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THE GREAT DEBATE

WITH ALBERT SHANKER AND TERRY HERNDON

MERROW: From National Public Radio in Washington, this is OPTIONS IN EDUCATION.

* * *

MERROW: Wendy Blair is off this week. I'm John Merrow, and as you may have guessed from the music in the background, this week on OPTIONS IN EDUCATION, we're going to be talking about teacher unions and their impact on public education. With me now are the leaders of the two teacher unions: Terry Herndon, Executive Director of the National Education Association, and Albert Shanker, President of the American Federation of Teachers.

* * *

MERROW: The National Education Association, the NEA, is by far the larger of the two with 1.7 million members. Mr. Shanker's American Federation of Teachers, the AFT, has 441,000 members. Between them, they have unionized nearly 80% of America's public school teachers: that is, four out of five teachers belong to either the NEA or the AFT.

But both unions have suffered severe losses in membership in the last year. The NEA has lost 200,000 members and the AFT has lost 30,000 and both unions spend a lot of time and energy fighting each other. Later in the program we'll talk about membership losses and union struggles, but let's begin the hour with a question about the quality of public education today.

There are ominous signs that America's public schools are in trouble: costs are rising, especially labor costs, scores and measures of learning are going down, violence and vandalism are on the rise, enrollment in private schools is up, schools seem to be running out of money, and perhaps parents are running out of patience. The biggest issue in the public's mind,however, is maybe not quality as such, but is discipline. The question should be, what can be done to improve discipline in the public schools, or maybe you want to put it another way, is there a problem in the schools, is there a discipline problem?

HERNDON: There's a discipline problem in the schools. There's a discipline problem in our society. We have become, I think, in many respects, an undisciplined people. I think we are living in a schizophrenic age. The overwhelming numbers of our children now come from single parent homes. They come from homes, from families that are otherwise stressed or disorganized. We have a situation now where one out of every nine young people will be in court as a result of an arrest before they're 18 years old. If you look at the data that were presented to the Committee on violence in the schools, they're just mind-boggling. So, certainly there's a problem.

MERROW: So you're saying the problem is a social problem. It's not just a school problem. Mr. Shanker?

HERNDON: It's a schools problem, but it's rooted in the reality of our society.

MERROW: Mr. Shanker?

SHANKER: Well, of course, everything is connected and related to everything else, but that doesn't mean that you can't discuss it in terms of its limited aspects. I think that discipline is the greatest problem that exists in the schools. That you frequently find within a classroom one or two or three children who are very emotionally disturbed, who are violent, who yell, who scream, who kick, who do all sorts of things, who take 99% of the -- or if not 99%, 55% or 40% or 30% -- of the attention of the teacher, and that those children are not learning in those classes, that other children are prevented from learning, that the teacher is prevented from functioning, that there are more parents taking their children to private schools because of the existence of such problems and our inability to deal with them in the public schools. And I think recent court decisions, by the way, have made things worse on that fact: that a student who is violent and who you try to bring him to justice right now, has a right to a due process proceeding, has a right to a lawyer. There are counter-charges brought against the teacher and the principal of a school where even two or three percent of the students are engaged in this sort of behavior might find themselves all year in the courtroom instead of managing a school. And I think...

MERROW: Are you saying that the kids shouldn't have those rights? The school should be run in an autocratic manner if a kid acts out? The principal should throw him out?

SHANKER: Well, I think that autocratic is a pretty heavy term. I think that there's a difference between being a parent and being a child, and I think we ought to come back to recognizing that. I think there's a difference between being a teacher and being a student in a school, and I think that -- I'm against authoritarianism, but that doesn't mean that within all of our institutions that we don't have certain authority.

I think in the first place that when crimes are committed, when there is violence, I think that there must be, that the other children, the teachers have a right to say that while those children deserve an education too, it's not to be at the expense of everybody else.

MERROW: Ok, but surely the problem is not crime, the problem is kids acting out: yelling, making noise. You're not calling those crimes.

HERNDON: Well, crime is a serious problem. I wouldn't want you to cast it out of hand.

SHANKER: That's right.

HERNDON: There's a great deal of crime and violence taking place in American schools every day. That's the ultimate in the discipline problem.

MERROW: Ok, let's deal with that first. What should be done?

HERNDON: I think that first, you have to have a process of trying to use what you might call "soft methods" in terms of trying to adjust the child. If you can't, I think you need separate facilities always, of course, with the purpose of trying to bring the child back to the world with other children in a normal situation. But, we don't have that now. We do have in all of our urban schools and in many other schools as well, you have children who have committed and do commit crimes every day of the week, where a child can't go to the toilet without feeling that a ring that he has or 50 cents that he has for lunch is going to be ripped off, and he's going to be lucky if he doesn't get beaten up. And those children who perpetrate this know that they're going to get away with it. As a matter of fact, if anyone turns them in, they'd better watch out, because it's the perpetrator of the vilence who's going to be back there to get revenge, and it's the other kid who may

be -- if society's kind they'll let him to go some other school for his own safety. And I don't think that we should neglect that as an issue. It's there, and it's very, very widespread, and we're not dealing with it. We're really too soft on it.

HERNDON: Certainly the extreme violator is going to have to be removed from the school, or he's going to have to be removed from the normal classroom. But I think at the bottom line, we can't emphasize too strongly that there's no solution apart from money. Running schools in an increasingly complicated society is going to cost more money, and if we're going to keep violent children with tendencies to criminal behavior and destructive behavior in the school institution, then we're going to have to have large numbers of adults with very intimate relationships -- one for every three children, two children, five children -- to supervise their activity, to direct them in constructive ways, and to separate them from the other children whom they might physically threaten, or to extricate them from the school program that they'll disrupt.

SHANKER: The more money, in and of itself, doesn't provide the answer. You know, you take the recent looting in New York City during the black-out. The studies have now been made. It wasn't the poor, hungry person who was out there looting. More of the looters had jobs than normal criminals have.

MERROW: What do you conclude from that?

SHANKER: They were people who felt that they had a chance to get away with something and that they could get away with it. It was dark and the police were going to be busy with something else and they had a chance to get things that they wanted to get, whether it was furniture or a television set, or jewelry or something else, and out they were. I think that because our schools on questions of discipline have become very, very soft that there are many,many students who could function properly and normally if there were usual discipline in a school, who have gotten the idea that they can get away with it. Nothing's going to happen anyway.

MERROW: So you're saying get tough?

SHANKER: I think that there does have to be some toughness in the schools which we haven't seen in some time. And I think the very fact that there is a break up of the family means that the school has to provide some of the toughness that the family used to provide.

MERROW: Mr. Herndon.

HERNDON: I can't buy into the generalization to get tough, because what that's going to say to so many people that are listening to the show. I don't believe that I disagree with the basic point that 's being made by Mr. Shanker. We do have to have some agreement in the school institution among the parents and the teachers and the administrators as to what constitutes appropriate behavior, and the deviations from that and violations of the accepted code of behavior should receive certain and swift punishment, whatever that punishment is.

MERROW: Ok, let's talk about that punishment. I want to talk about corporal punishment.

HERNDON: Should be appropriate to the incident, I want to make that clear.

MERROW: What I'm going to talk about is corporal punishment. Recently the Supreme Court declared in Ingram vs Wright that corporal punishment is not a violation of the Eighth Amendment prohibition against cruel and unusual punishment. That seems to mean that schools are the only social institution

that allow corporal punishment, although it's banned in a few states, including New Jersey and Massachusetts. Now, the NEA and the AFT were on different sides in the Ingram vs Wright case: the AFT siding with the school board, and the NEA siding with the child who was punished. Mr. Shanker, does that mean that you favor corporal punishment in the schools?

SHANKER: No, it doesn't mean that at all.

MERROW: What does it mean?

SHANKER: It means that I don't believe that, you know, rape is not a violation of the United States Constitution, and neither is murder, and neither are a bunch of other crimes. And I think it's kind of trivializing the Constitution of the United States to say that if a teacher slaps the child, that's a Constitutional violation, whereas all these other crimes are not.

MERROW: This child was beaten with a stick, a heavy stick like a two by four.

SHANKER: I didn't like what happened and I wouldn't justify it and we weren't there to support that board of education in one particular act. We were there in terms of a general principal. And I do not believe there is a general principal if corporal punishment is inflicted on a child -- and I'm not talking about cruelty or inhuman punishment, or something that's permanently, psychologically or physically dangerous. But, let's take an occasional slap which is administered by either a parent or teacher or other authority. I would respect the right of a school board to say we don't want this. And in New York City, the school board doesn't have it and in states they don't have it. And I think that's fine, and I don't think it's the answer to our disciplinary problems. But I do not believe that there is any Constitutional right not to be slapped, just as there is no Constitutional right on other...I think that this is a question for the laws and not for the Constitution.

MERROW: Mr. Herndon, does NEA favor corporal punishment in the schools.

HERNDON: NEA does not favor corporal punishment. The NEA actively discourages the use of corporal punishment by it members. But I think it's important in evaluating the relative positions in the Ingram case to realize that corporal punishment per se was not the issue in the Ingram case. And the mass media in the United States have done a horrible job of reporting on what that case was about and what the implications of that case happen to be. The issue was, as you stated it John, is corporal punishment in the extreme where a child was practically brutalized and injured with cruel and unusual punishment within the meaning of the Eighth Amendment of the United States Constitution. Our view is that that kind of punishment is out of order and at the very least, that kind of punishment is out of order without some minimal standards of due process. And that is the issue that was involved in that case. The students were severely beaten, and they were beaten without any real proofs being presented as to whether they were guilty of anything. They, in fact, denied their guilt.

SHANKER: Well, I might agree as to the specifics of the case, but I disagree as to what the Constitutional issue was that was raised here. I also want to say that,while I don't think that corporal punishment is an answer, I don't think that we should be absolutists on this thing. I think that there may very well be a situation in which some sort of mild slap or something else might help the child, it might not be injurious and if the parents want it and if the school system wants it, I don't see any reason for making a federal case out of it.

HERNDON: I think it's important to say once again though that the question of a mild slap or mild or responsible corporal punishment administered by a responsible school official in a mild and responsible way was not the issue in the case that you raised.

SHANKER: We have some differences as to what the issues were that were raised.

MERROW: And I think you have other differences, and maybe we should move along to them. I'd like to talk about the product, measuring the product of schooling. The most commonly accepted measure is probably the standardized test, and I'm sure, that most listeners are aware, that scores on the college Entrance Examination Test, the "college boards," have been declining for nearly 15 years. Since 1963, the average math score has gone down 32 points, and the average verbal score has gone down even more -- 49 points. Today's high school seniors are scoring 470 in math and 429 in verbal, and the tests are created to have an average score of 500. Recently the Wirtz Commission, a blue ribbon panel created by the test-makers themselves issued a report blaming a whole host of factors, including TV, mental laziness, not enough homework, but not the tests themselves. Now the NEA blames the tests, calling them wasteful, inadequate and destructive. Mr. Shanker, do you think standardized tests ought to be banned.

SHANKER: Absolutely not! I think the view that because test scores can be misinterpreted, because they're not accurate, because they can be misused, that therefore they shouldn't be used at all is silly. It's like saying that we shouldn't count the number of people who are dying of cancer because maybe doctors will be blamed or hospitals will be blamed. The American people are spending billions of dollars on education and while it's true that test scores can be misunderstood, that, by and large, when you got a whole city or a whole school district, or a whole state or a whole country that goes up or goes down in reading or in writing or in math or in something else, that tells you something about what you're doing.

MERROW: If the tests are ok then, which seems to be what you're saying, then what's wrong?

SHANKER: If you go out to the schools, you'll find that more and more students are taking electives and they're taking things that no longer involve the kind of hard, tough, reading, writing, mathematical work, the kind of concentration that was required 20 or 30 or 40 years ago. And I think that we're reaching the astounding conclusion that if students spend less time reading, they're not going to read as well. If they don't spend as much time writing, they're not going to write as well. Well, isn't that amazing! Well, any person could have told you that on the basis of common sense. I think that a lot of subjects are not interesting. It's not interesting to learn how to spell. It's not interesting to learn your times tables. It's pretty rough the first time you read a Shakespearean play, the kind of effort that you've got to do looking at the bottom of the page each time to look for the English translations to English to figure out what it means is kind of rough, and you don't get a story line at first. But after you do it, you're a different human being, and there are things that you're going to appreciate that you couldn't appreciate before.

MERROW: So the tests shouldn't be banned, and schools need to be tougher, is what I hear you saying. Mr. Herndon, let me ask you: you don't want standardized tests, the NEA doesn't want standardized tests; well, how would you measure what students are learning?

HERNDON: Well, our view has never been that standardized tests are irrelevant, that group scores are irrelevant. We've generally held that the

abuse of standardized tests, and the abuse of interpretations of standardized test scores are so far out of line that we would be better off if they weren't used. I think it goes without saying that if you spend less time teaching children to read, they're not going to read as well. If they spend less time reading, they're not going to read as well. If they spend less time studying traditional mathematics, they're not going to score as well on an examination -- the test -- how competent they are with traditional mathematics.

MERROW: But if standardized tests are being misused, how should we, as a society, measure what are kids are learning?

HERNDON: I would substitute teacher judgments, and I think the Worts Panel said that if you want some indicators that have real predictive value in terms of success in college, teachers' judgments, when it comes to grades, are about as valid as are the SAT examinations. In fact, I think they found they were slightly more valid. I think the judgments made by competent teachers have been good judgments. They have been as valid as any other.

SHANKER: Well, I'm not saying that we shouldn't have teacher judgments. The question is,should we abandon one of the instruments that we have, and the more of these measurements you have, the better off you are. If you can have standardized tests, plus teacher judgment, plus conferences which develop some evaluation of the child with a group of people, and if you have some other tests that are criterian and referenced, all these things are fine. Each one of these is a bit of evidence. If all the evidence leans in the same direction, well fine. If there's one bit of evidence that goes one way and everything else goes the other, that raises the question, you look a little furtner. But I don't see any reason for throwing out one tool that exists and saying that's the culprit, that's the one that's misunderstood. I don't know that generally you can say the teacher judgment is better than something else. I think it's pretty good. I think standardized tests are pretty good, and I think other units of measurement are pretty good. I don't see why we're throwing out one good tool that we've got. We don't have too many of them you know.

MERROW: Mr. Herndon.

HERNDON: Well, our initial position on the whole question was that there would be a moratorium on the use of these tests, and I think at the bottom line, our position is much as that taken by the proponents of the test: that if they are used for constructive diagnostic activity and making constructive and positive decisions about what you're going to do to overcome the deficiencies of an individual student, they can be very valuable.

MERROW: I think you're backing off from those earlier statements.

SHANKER: I think that's a copout because you can never prevent something from being misused. It's like saying well we favor drugs being available in drug stores, as long as you can guarantee it won't ever be abused or misused. Well, you know, the drugs are there and if they're properly prescribed and properly used, fine, they're very valuable; but you can never guarantee that they're not going to be misused. And you can't guarantee that the scores of tests aren't going to be published in places where some people are going to use them for one purpose or another.

HERNDON: But there are, in fact, many steps that could be taken to solve the problem. The Educational Testing Service itself, for example, allegedly a non-profit corporation, markets tests. It indicates to its users they are not to be used in these ways. The users proceed to use them in those ways. ETS continues to market them.

MERROW: What are you suggesting?

HERNDON: They're not driven by a profit motive. They allegedly have no need to market huge volumes of examinations. They're providing a service to the educational community.

MERROW: You're saying that ETS should police the use of the tests.

HERNDON: They should police the standards that they issue in terms of how a test is to be used, why it is to be used, for what purposes. And where that is being abused, where they're being used in a destructive way, the ETS has the power to regulate that.

MERROW: Why not use those standardized tests to measure whether teachers in fact are teaching our kids? Mr. Herndon?

HERNDON: As I've indicated, I don't think the tests are sufficiently reliable or valid. I don't think you can standardize all of the variables in the classroom. There is just no way that one can predict the achievement of a teacher, the performance of a teacher on the basis of an examination.

MERROW: There's no way?

HERNDON: I don't believe it's possible. There's an infinite array of variables that come into every classroom: what kind of background the children brought with them, where they went to school before, what kind of circumstance, the incidents of violence-prone children in that classroom, the incidence of disparate problems in the classroom, how many students are in the classrooms, how many languages are spoken in the classroom. Those cannot be standardized.

MERROW: I hear you finding a thousand excuses why we can't have a measure that will tell us whether teachers are doing their job.

SHANKER: Well, I don't agree with the statements that were just made, because I think that if you get to the point of saying that it's impossible to tell what's good teaching and what's bad teaching...

HERNDON: I didn't say that. I said with an examination.

SHANKER: Oh, with an examination alone, sure. Look, suppose you've got a doctor who has seen 35 patients and they will die within a period of time after that: what does that tell you about the doctor? Well, if the patients all had the common cold, you probably ought to take a good close look at that doctor; but if they were all terminal cancer patients, he may have been a great doctor. He may have relieved pain. The patients may have lived a little longer than with some other doctor...

MERROW: What is your point?

SHANKER: My point is that an examination itself -- it's the same as Terry's point -- an examination itself, any single testing device, is not going to give you the answer. I believe that it is possible over a period of time to develop a model of competent professional practice, part of which will include achievement,and part of it will include a diagnosis of where the children were in the beginning and what methods are acceptable, and what methods are not acceptable. But at the present stage in the development of the teaching profession, we do not have a model of competent, professional practice, which anybody would agree on. And that's one of the things that I hope that groups like the National Institute for Education and others will be developing some research over a period of time so we'll have it.

MERROW: Why isn't it reasonable to take the students' scores on a number of measures at the beginning of the year, and take them again at the end of the year. If you have a whole bunch of classrooms in a school, you can compare how the classrooms have done. Why can't that serve as a way of judging how well a teacher has done?

SHANKER: Suppose that those children, regardless of teachers over the past, suppose those children are, let's say in the 12th grade, and suppose that no matter what kind of teacher they had they've never made more than six months' progress in any year. And suppose that you have no evidence that there's any teacher that's available in the world who could get em to make more than six months' progress. Well then, are you going to turn around and say to the teacher, you're guilty because you haven't done the impossible. On the other hand, you might very well have students who are...

MERROW: Suppose the kids make no progress, to use your example. You know, if every other teacher had them making six months' progress and I come along and teach them and they make no progress at all.

SHANKER: Well now you're introducing some interpretation. I would agree with you. I would say that it is possible to develop certain interpretive mechanisms, and I think we ought to do that. I don't think we can go to the public year after year and ask for more money, without saying to the public that we are on our way to developing a mechanism for finding out what works, what doesn't work, what types of teacher personalities hitch up with children in terms of effectiveness here. By the way, it's a little more complex than this, because what we're talking about here is just achievement, which is very important. But, you know, when it comes to medicine, there's a lot of agreement as to what we want. We want people not to die, we want them to live longer, we want to relieve pain. That's pretty simple. But when you're talking about the goals of education, you're talking about what kind of a human being you want to produce. And I'm sure that there are many parents who are listening to this program who are going to say, look, sure reading is important and writing is important, and arithmetic is important, but is my child learning to think, is my child going to be able to participate with other, is my child learning to cope with his or her own problems, or in terms of happiness or in terms of self image. It's not as easy.

MERROW: There are probably equally as many parents who would say, just teach my kid to read and write and do numbers,and I'll take care of the rest.

SHANKER: I'll have to agree with the group that you're talking about, that until we learn to have them read, write and do numbers, I don't think they're going to be able to function in these other capacities too. I accept those as priority items.

MERROW: Mr. Herndon, that question really of measuring teacher performance, how can we figure out how well our teachers are doing? Or, to phrase the question another way, how can we weed out incompetent teachers?

HERNDON: Well, you construct a hypothetical situation, and I can construct a hypothetical situation. If the question were put to me, if a teacher taught a relatively normal group of 30 children for three successive years and none of the children demonstrated any growth on pre and post tests, would that be an indication that the teacher is not performing? I think it would be an indication. The problem is the hypothetical situation. It never exists. And every classroom that I have visited, regardless of how I felt about the behavior of the teacher, there were children who grew and there were children who grew more than other children, and there were some that grew very little at all. We cannot measure the magical proper-

ties of a teacher, or the magic of teaching. Is it possible to construct a model of competent practice? I think, probably so. We don't have that model at this time, we don't know what constitutes good teaching, and we have to measure whether the teacher behaved in some acceptable norm of professional behavior based on the knowledge we have right now.

MERROW: But if you can't measure good teaching, you don't have a model of professional competence, you really don't know what good teaching is, why do we give our teachers tenure? Why after usually three years, does a teacher get a lifetime contract, in effect, a job for life, that he or she can't lose unless he or she is guilty of immoral behavior?

SHANKER: Well, that just isn't true

HERNDON: That's right. It's another distortion of the fact there. I'll give my "brother" the first shot at that, but I think we'll agree.

SHANKER: Well thank you Terry, I'm sure we will agree. This business -- I wish we could get rid of the concept of tenure, because the word is such a horrible thing from a public relations point of view. Look, a teacher works in a district for three years, and the district has a chance to say we want to keep this person or not. And when they decide they want to keep that person, later on they can change their minds.

MERROW: How?

SHANKER: Well, very simple. The principal visits the teacher, or another supervisor, and says you're not doing a good job and I would like you to improve in the following ways. And then he or she visits a gain and says you still haven't done it right, I 'd like you to take a course or two. And then they visit again and say, you still haven't shaped up, I'd like you to look at what these other teachers are doing. After two or three or four visits and attempts to constructively improve the work of the teacher, that supervisor then says, I've made up my mind, you're just not going to make it. I don't know of a court in the country or an arbitrator in the country that's going to turn around to that principal and say, I don't accept your judgment.

MERROW: How often does that happen every year?

SHANKER: It happens quite frequently.

HERNDON: I've personally defended hundreds of teachers that have been discharged. The typical case is they were employed as a first year teacher, the supervisor said you're doing a very good job, I recommend retention. The second year, the supervisor in writing says, you're doing a very good job, I recommend tenure. The third year, the fourth year, the fifth year, they say you're doing a very good job, we appreciate your effort. The sixth year, they say you're not doing a good job and you're fired. Now the question you put to them in a tenure hearing is what is the teacher doing diffently in the sixth year than they did in the first five. And there's no answer

SHANKER: The teacher didn't go on lunch patrol that day.

HERNDON: There's absolutely no answer. And when you probe in reality you'll find that there was a confrontation over lunch patrol, over lunch duty, they got to work five minutes late one day, whatever it was; but there's no substance to the allocation.

MERROW: Your numbers are interesting.

HERNDON: So, when you ask me if there is no model of competent of behavior to be used in supervision then why tenure, I say it is precisely because there is no model; that we need tenure and we need job security provisions for teachers. In the absence of tenures, we have jobs bidded, we have teachers fired because a daughter-in-law of the president of a school board would like to have the job, jobs go to the teacher willing to work for the least amount of money--all kinds of aggregious personnel practices in force.

MERROW: You mentioned numbers and aggregious personnel practices. You talk about hundreds of cases. There are 2.3 million school teachers, and I suggested the model of what happens is not what Mr. Shanker said, but in fact is when a principal or administrator finds a teacher who doesn't seem to be doing a job, who seems to be using the same old notes from last year or the year before, or he's...

SHANKER: Well, I want to take you on that one. You see, of course, in this business you have to innovate every year...

MERROW: I don't mean you have to innovate, let me say...

SHANKER: If you're a great teacher, there's nothing wrong with using the same notes again next year.

MERROW: Let me say without reviewing the same notes from last year to quiet your objection to that. ...but, not being prepared, being cruel to kids. What does an administrator do? The ones I've talked to would tell me privately that they transfer that teacher somewhere, to somewhere where the teacher "can't do any harm," that is into special ed.

HERNDON: You can't brand the cowardice of an administrator on the teachers.

MERROW: No, but I think the question to be raised is, can you blame the cowardice of the administrator on the strength of the teacher unions?

SHANKER: No!

MERROW: Why not?

SHANKER: Look, that's like the person saying that you can't do anything about crime because a person who is accused of a crime has a right to a trial; therefore, there's no point in arresting him or bringing him to trial in the first place. That's a copout. We have a system -- let me say in the first place, the overwhelming majority of teachers who are not competent are gotten rid of without the help of supervisors or administrators at all. The kids get rid of them. You take a look at any large school system at the beginning of the term. I know in New York City, we used to have something like 2,000 teachers who would leave in the first two weeks of school. They just couldn't take it. They leave!

Then you get people who are let go during their first three years, during their probationary period. Of course, during periods of teacher shortage, very few of them were gotten rid of. Now there are quite a few.

MERROW: Union people I've talked to say that they will defend a teacher on any charges short of the most flagrantly...

SHANKER: That's like saying that anyone accused of a crime has a right to a trial. That's all!

HERNDON: Never in the history of either of our organizations, John, has

there been a teacher strike over a discharge related to a competence question.

SHANKER: That's right!

HERNDON: The role that's played by our organization, the role that's played by Al's organization is to force the supervisor to live to their legal requirements as a supervisor, and we'll do that for any teacher, yes!

MERROW: Question is, what does either union do to help the system get rid of teachers?

HERNDON: Now that is not incompetence.

SHANKER: Now look, you know, that's like saying to the attorney for the defense, what are you doing to help prosecute your client. We are the attorney for the defense. In our system of justice, a person is accused -- sure there's a prosecutor and there's a defense attorney. And if we as the defense attorneys went over to the prosecution, the teacher would have to find somebody else. The teacher has a right to an advocate. We are that advocate.

MERROW: Well, in that case doesn't the system have a right to a partial tenure, for example, perhaps five year contracts that would then be reviewed rather than a system which really locks in -- an inflexible system.

HERNDON: I don't see why. The law does provide for a probationary period. Every tenure law provides for a probationary period, during which the tests to be met by the supervisor are less.

MERROW: Well, assuming that public education is controlled by the public, perhaps the public should decide, and the Gallup Poll indicates that 75% of the public...

HERNDON: The public doesn't make that decision. That decision is made by an administrator who is an employee of the school board.

MERROW: I'm talking about whether there should be permanent tenure. The public overwhelmingly votes that there should not be such a thing as permanent tenure. Would you be willing to accept five year tenure, for example, or six year tenure for teachers.

SHANKER: No, I wouldn't be willing to do that unless we made that a general sort of thing in our society. If you said that every five years lawyers, doctors, architects, and everybody else would lose their job rights -- and unilaterally management or somebody else could decide to remove their certification from them -- then I'd be willing to rethink it. But, if you're going pick teachers out as the only group, why gee, you've got doctors who haven't been to medical school in 50 years, and they're practicing in our society without any required review of what's happened in medicine. You've got lawyers doing the same thing. You've got people practically in every field, and the only field that you're picking on is teaching. Well you say this is the only place where a person can be working with a satisfactory record for years and then if the principal doesn't like them one day, that principal can just say goodbye, and the principal doesn't have to say what's wrong.

MERROW: I didn't suggest that and don't back me into that corner. I suggested a short-term tenure that could be reviewed.

SHANKER: But that is what you're suggesting!

HERNDON: Because the tenure, all the tenure law says is that if you want to discharge a teacher, you have to give sufficient cause, you have to go through proper procedures. You have to meet a burden of tests. But, when you say repeal tenure so that every five years you have none, what you are, in fact, saying is that every five years, a school board, for whatever whim it may have, can discharge a teacher.

MERROW: What system would you endorse to make it incumbent upon teachers to keep going back to refreshing themselves, to make sure that they stay up to date and don't just coast along with tenure? That's my question.

SHANKER: I wouldn't endorse any system that was aimed at teachers alone. Don't tell me the people who have got life and death in their hands in building bridges and buildings and practicing medicine. And if they can perform without any such requirements, you're going back and the teachers are going to be the only ones who are asked to do this, then I yell discrimination.

HERNDON: We have made a proposal at a number of local settings, John, that the whole matter of in-service training ought to be provided for every teacher -- retraining, new training -- it ought to be a part of their regular work assignment.. They ought to have an opportunity to do it within the limits of that work assignment. There have been some school boards that have agreed and provided that kind of training. I think it's been a satisfactory arrangement for everybody.

MERROW: Let's move on to another issue, and that is affirmative action, and particularly the Bakke case in California. Now, some people are saying that's the most important civil rights case since Brown vs the Board of Education in 1954. It's going to be decided by the Supreme Court sometime soon. The Bakke case involves the University of California Med School. Allan Bakke Bakke sued the University of California at Davis Medical School after he was denied admission to the medical School there because , he said, 16 places had been set aside for minority students, and all of those minority students accepted, were less qualified than he, Allan Bakke. He won that case in California, but the University has appealed to the Supreme Court. No the two unions, as I understand it, are split on this issue. The NEA which has its own constitutional requirements for minority representation agrees with the University that setting aside places for minorities is necessary to overcome past discrimination. The AFT sides with Bakke. But, the AFT's own state affiliate in California, the California Federation of Teachers, disagrees with the AFT. Mr. Shanker, are you against affirmative action?

SHANKER: No, I'm in favor of affirmative action and I'm against quotas and I'm in favor of the Constitution of the United States. The Constitution of the United States does not say, thou shalt not discriminate against black people; it says, "Thou shalt not discriminate against PEOPLE." And Mr. Bakke is not a student at the Medical School at Davis at the University of California for only one reason: he's not a student there because he's white. And I believe and the overwhelming majority of the American people believe. Eighty-six percent of the general population and two to one minority groups in the United States are opposed to any special preferential treatment on the basis of race or ethnicity.

MERROW: But your own union in California disagrees with you, and as one of the members of that union put it, Mr. Shanker, if you're for affirmative action, why do you come down on the other side in court?

SHANKER: Well, affirmative action is quite different from quotas. You see, by quotas, I mean that you select people who do not make it on the basis

of equal standards. In other words, you reserve a certain number of places, just as once upon a time no matter how good you were, if you were black, you couldn't make it because you were black. There was the wall. And now, no matter how good Mr. Bakke is compared to the other 16 applicants, he can't make it because he's white, because those positions, instead of being reserved for whites as they once were, are now reserved at California for minorities. And that's just as unconstitutional. Now, by my definition of affirmative action means that you seek out minorities, that you give special training, and that you do everything that you possibly can to make them equally qualified, because I believe in the equalities of people.

MERROW: Mr. Herndon, you, in fact, do endorse quotas. The NEA has in its constituion a provision that if a black hasn't been a president of the NEA for a certain number of years, then the next year a minority will have to become president. Why do you endorse quotas?

HERNDON: First of all, I think quota is a codeword. We don't use that in our own documents, we have guarantees...

MERROW: Proportional representation.

HERNDON: ...and our position is that affirmative action programs have no meaning if they are not backed up by some guaranteed results. If you start with the assumption that blacks, as a group of people, or Chicanos as a group of people, or any other group of people, are as competent as are whites, and they have as much capacity and potential as do whites, then if they are not achieving in ways commensurate with the white population, it must be because some institutional barriers that it had not been possible for them to overcome. And I think that is the reality of our society. Our society is replete with institutional racism. Our position is that the best of the black population is as good as the best of the white population. And if they do not achieve equally as well on any given examination, then there are some institutional reasons for that, or the examination itself is deficient.

But let's take the best of the black population, by whatever standards are being used, and the best of the white, put them in the program, offer the training, give them an equal opportunity to be equally competent, and they will so emerge..

SHANKER: Yeah, but that isn't the case. I agree with what was just said, but that isn't the case at all. If the exam is no good, get rid of it for everybody, whites and blacks. Don't say that the exam is fine for whites, and if a white flunks the exam he can't get into school...

HERNDON: That's not the point in this case, because...

SHANKER: That is exactly the point!

HERNDON: ...there were whites who were admitted who had scores lower than Bocky, and he did not sue to get one of their positions.

SHANKER: No, that is not the case. The case is that out of 100 positions, 16 were set aside and that in...

HERNDON: That is the issue!

SHANKER: All right. Sixteen were set aside and which no white ever got. Now, by the way...

HERNDON: We could seek out 16 minorities and do exactly what you said.

SHANKER: I would not object to say get rid of the examination, or to count the examination only as a small part of the whole question of entrance. What I am saying is that whatever standard you finally decide on, should be the same standard for everybody, and not a separate standard for those who are black and those who are white. The minute you say that you're going to give someone preference on the basis of race, you have violated the Constitution of the United States.

HERNDON: The question of the Constitution of the United States is not all that clear, or the issue would not be before the Supreme Court of the United States. There are two points of view as to what the Constitution means in this situation. We and the university are arguing that it is appropriate to do exactly what Mr. Shanker said he believed in: for the university to set aside a portion of its capacity and say we are going to seek out minorities, we're going to bring them into this program, we're going to train them and give them an equal opportunity to be equally competent at the other end. The only difference is, he comes out in court in a different view.

SHANKER: I'd like to issue a challenge on this one, since you brought up the fact that the California Federation of Teachers disagrees, as is their right, with a national organization. I'd like to challenge the NEA, and I would propose to do the same thing for the AFT. I'd like to challenge both organizations to submit this question to a referendum of their own membership, because there's no doubt in my mind that the NEA does not represent its members, that the overwhelming majority, both of whites and blacks in this country, are opposed to quota systems. They're in favor of affirmative action, but they're in favor of equal standards for everyone, and they're not in favor of separate racial provisions. And I can guarantee that if you go for a referendum on this we will, and I'm sure that both organizations and membership will come out in exactly the same place on it.

MERROW: Mr. Herndon.

HERNDON: I think Mr. Shanker has now disclosed the real foundation of his position, and that is that the majority of his members are more comfortable with the position they're arguing.

SHANKER: I think the majority of yours are more confident with our position too, and I think through the referendum we can prove that.

HERNDON: I think it's absolutely abhorrent to all that this country stands for to assume that equal opportunity and other things that are guaranteed by our Constitution will be placed to a popular referendum.

SHANKER: Well, the Supreme Court of California, which is a very, very liberal Supreme Court, voted six to one, saying that this was a terrible violation of the United States Constitution; and I'm quite confident that the United States Supreme Court is going to rule the same way.

HERNDON: That's where it ought to be decided and not the referendum of any group.

MERROW: It will be.

SHANKER: Oh yes, but the position of each organization ought to be decided by its members. What the United States Supreme Court decides will be on the basis of the Constitution.

MERROW: I don't think you're going to resolve your disagreement right here, in any case. I began at the beginning of this hour, I mentioned the

membership decline in both union. Let me review the figures. AFT's membership is down to 441,000, that's a loss of 30,000 over the previous year when membership was 471,000. Probably that means a loss in revenue of about a million dollars. The AFT had an annual deficit in 1976 of about half a million dollars. In 1977, the AFT had a deficit of one million dollars. The NEA, membership was nearly 1.9 million in 1976. In 1977, it dropped to about 1.7 million. That's a loss of 200,000 members, and I suspect a loss of revenue of about six million dollars.

HERNDON: The loss was something that we expected and predicted, because of the difficulties we had had in New York State. We had an affiliate of about 210,000 members in New York State, and so about 180,000 of those members were lost in New York State as a result of the dis-affiliation by New York State United Teachers. So, it was a relatively modest loss. In other places, with riffing and reductions in force, there were, however, some gains, and we're not totally cynically about the future. We think there will be scores and significant new members in higher education. We did exceptionally well in California last year. We will now be representing more people than we have members, and we look for growth there. And, as you indicated in your opening statement, there are still a lot of teachers out there that aren't members, and we expect to proceed immediately into restoring our growth phase.

MERROW: You mentioned New York State. I think we ought to focus a little bit on New York State, because there, I suspect, the rivalry between the two unions is the bitterest, although struggles go on in other states, like California and Florida. The two unions used to be merged, and Albert Shanker was a member of the NEA. But they split apart several years ago. Most members stayed with the AFT. Now two years ago, NEA leaders announced a major campaign in New York State, and at that time, the NEA leadership, Terry Herndon, said NEA would soon have, in one year, would have 50,000 members. A year later NEA was asked how many members it had, and you pulled back somewhat, and said, soon we'll have 25,000 members. You spent a lot of money in New York. Do you have the 25,000 members now?

HERNDON: Yes.

SHANKER: They sure do not, and their own Price-Waterhouse figures show that they've got a little over 15,000 members, and if you count...

HERNDON: That's a misstatement. I'll correct it when he gets through distorting it for you.

SHANKER: Well, look, if you took every single local which they have, and what they have is a matter of record. I don't think there's any dispute on which locals went where, but if they had every member in every local that they have, they wouldn't have 25,000. And, of course, they don't have every member. They soon will have, because the Agency Shop Bill passed over their opposition in New York State, so I think they'll probably soon have -- from a 15,000 they'll go up to about 21,000 or so. But, nevertheless, there's no question that in a state with 200,000 teachers, when you've got 10%, and we have 80%, as there's no question as to where the power in the state is; and I think there aren't too many of their teachers who are going to stay with them much longer; and I don't think there are too many NEA members across the country who are going to keep pouring millions of dollars in to provide excellent services in New York State which they don't provide for the dues payers in Mississippi, or Alabama, Texas, or California, or anywhere else.

MERROW: That's a question I want to ask you. Is it worth it spending all this money in Al Shanker's backyard to keep him occupied.

HERNDON: Our motive in New York was never to move into Al Shanker's backyard and keep him occupied. We have over 100 years of history in New York State. We have a lot of teachers and a lot of local affiliates that want to remain part of NEA. We made a commitment to putting a state organization in place with the ability to service those members and locals. We have done that. Yes, it was worth it. We think it is going very well. We think we will continue to grow in New York. As for the Price-Waterhouse statement, the last one was down last November. We still do not have one for the membership year most recently completed.

MERROW: But you say you have 25,000 members.

HERNDON: I say we have more than 25,000 members.

MERROW: Mr. Shanker says you have 15,000 members. This open warfare in New York State between the NEA and the AFT, and the competition around the country raises a question: who benefits, who benefits from it? Now certainly, let me try and answer that...

SHANKER: It's not the teachers, I'll tell you that.

MERROW: I would probably argue that kids don't benefit, and I called up the Executive Director of the National School Boards Association, and he told me that it doesn't help anybody. He said that it doesn't help school boards. Rivalries at the local level hurt. At the state and national level it's hard to form coalitions because the NEA and the AFT won't sit down together. Now the big differences,as I understand it, between the NEA and the AFT are: quotas, membership in the AFL-CIO, which the AFT is a member of, and perhaps, compulsory arbitration. But, the question is, is a merger possible between your two unions if nobody's benefiting from the struggle?

SHANKER: It's not only possible, it's desirable. I think when you have a period of declining birth rate and unemployment and tremendous squeezes on teachers and on schools, and attacks of the kind we have seen now for almost two decades questioning the future of public education in this country, that it does not make very much sense. I think at one time it did make sence. I think at one time the AFT was a union and the NEA was not a union, and I think that we shaped them up into a pretty good union. I think they are a very good union. Not as good as ours, but very, very good. Close enough so that I think that we should get together, and that the teachers of this country would very much profit from ending the -- first of all we'd profit from having the shared experience of leadership of both organizations, which is somewhat different. And I think that putting that together would be a big plus. And I think secondly, if you took the money that we waste on all these jurisdictional disputes all over and put them into legislative and congressional and other campaigns, I think that we'd have an awful lot of power working for teachers and for education that we don't now have. It a tremendous force, and I don't see that any of the issues that you've mentioned, or any of the others that are outstanding: such as personalities and who's going to be number one and who's going to be three, and how you have representation, and what the name of the organization is going to be. All those things are capable of being compromised by people who have some integrity and some intelligence, some commitment to a movement.

HERNDON: Well, I think it's important to start with the realization that nobody ever sat down and said it would be healthy for us to fight, so let's get together two organizations and fight. The two organizations emerged in a historical frame of reference. They're made up of people who have different preferences on some basic issues: structural issues, ideological issues, relationship questons. And so, we have two organizations and they

fight. They fight because they're competing for the loyalty of the same group of people -- America's teachers. I'm not sure that it's possible to construct a single organization and a single ideology that will command the loyalty of all of America's teachers. They are different, that's why there are two organizations. Now, would it be better if it were theoretically possible for them all to agree and live in one house? Probably so. Now, do I think that's going to happen in the foreseeable future? Probably not. Are we willing to discuss the possibility? We've discussed the possibility, and we're still willing to discuss the possibility.

MERROW: Well, what's preventing you from discussing the possibility right now? Why, for example, aren't there some sort of talks going on.

SHANKER: Well, I don't think the possibility was ever really discussed before.

HERNDON: We stopped talking, and at the time we stopped talking, our policy maker said we would be willing to talk anytime that it looked like it would be productive. And since that time, I don't think either of us has ever invited the other to talk, and that maybe why we're not.

MERROW: Well Mr. Shanker, I hear you inviting Terry Herndon and the NEA to talk and if you'll forgive me, I was just going to say, I've heard you make that invitation many, many times at press conferences. The question is, have you ever done it formally? Have you ever sent a letter over to Herndon and said, it seems to me we ought to get together by...I invite you by at this such and such a place, or this just kind of a press conference ploy?

SHANKER: No, it's not a press conference ploy, and I think that the letter might be a press conference ploy. I think, in the first place, there never were really talks before. We had meetings on the shape of the table and who should come to the next meeting and where it should be. But at the very first meeting where we were supposed to talk about issues, it all broke up and we were called by the press, and the NEA had already written their break-off statement. And maybe if things are done publicly, that's the way it has to be done. I hope that in the next year, instead of letters and instead of this sort of radio thing, or maybe in addition to it, that there'll be some opportunity for Terry and myself, and John Ryor and others, to just sit down off the record,away from the business of letters and the press, and what did you do today and whose responsibility is it for breaking off, and see if there's any basis for putting things together. And if things happen that way, there'll be some hope.

MERROW: Mr. Herndon?

HERNDON: Well, first, that we're not totally without dialogue, nor are we without the ability to work together on the issues where we agree. We do participate together in the Leadership Conference on Civil Rights . We participate together in the Committee for Full Funding of Education.

MERROW: Yeah, but you spend about 10% of your budget fighting each other.

HERNDON: Yeah, but your opening statement was that we can't work together in coalitions because we won't sit down together. I want to make it clear that's not true. We agree on a lot of things, and we've been able to work together on some things.

MERROW: So you don't see...

SHANKER: There are some, but not on others. For instance, the NEA did pull out of a broad education coalition with school boards and other groups.

HERNDON: No. If we look back to what happened last time around, our perceptions, of course, would be different, our interpretations would be different. The AFT had a different chairman every time we met. We weren't really sure who we were dealing with. I think it's sufficent to say they were not productive conversations. Are we willing to discuss the matter? Yes. Is there anything to come from it? My guess is, probably no, unless there's been some moderation of views on the critical issues.

MERROW: Well, why don't you and John Ryor, President of the National Education Association, and Albert Shanker go out and have a beer together, and sit down and have some... that's what I hear Mr. Shanker saying.

HERNDON: I don't drink beer, but I wouldn't object to sitting with Al while he did, if that's what he wanted to do.

SHANKER: You want me to negotiate while I'm getting high, hey.

MERROW: The question of leadership raises an issue that I think ought to be brought up. Mr. Shanker, you are President of the American Federation of Teachers, your're the Vice President of the New York State United TEachers, and your'e President of the United Federation of Teachers, the union in New York City. The AFT, in some sense, is a national union, and in another sense is a one-state union. Half of your membership is in one state, most of those members are in New York City. Let me ask you, what are you...

SHANKER: Well, most of them in New York State are not in New York City. New York State now has 180,000 teachers, of which 50,000 are in New York City, so it's not quite a majority.

MERROW: Not quite a majroity. I stand corrected. But I would like to ask you, what are your qualifications to be a national leader in education, and what are the AFT's qualifications to be a national leader in education? You preside over the schools in New York City, which are arguably the worse schools in the nation...

SHANKER: Quite arguably, because that just isn't true.

MERROW: ...25% of the kids in New York City go to private school, the absentee rate is perhaps the highest in the nation, the most expensive schools in the country...

SHANKER: There are a lot of places in this country where a high percentage of children go to private schools. You got a lot of southern states where children, in order to avoid racial integration go to a lot of private academies, nuge in a lot of southern states.

MERROW: ...they are perhaps the most expensive public schools in the country, teachers there spend perhaps the least time teaching.

SHANKER: You mean they have fairly good working conditions?

MERROW: Fairly good working conditions, perhaps.

SHANKER: Yes, we're very proud of that.

MERROW: My question is, what are your qualifications and what are the AFT's qualifications to step into national leadership given that local base

and given the quality of schools in New York City.

SHANKER: Well, we also represent teachers in Boston, in Providence, in Pawtucket, in Springfield, in Philadelphia, in Pittsburgh, in Cleveland, in Toledo, in Cincinnati, in Chicago, St Louis, Kansas City, San Francisco, New Orleans, Washington, D.C., and we represent a lot of teachers in New York State, but we also represent a huge number of teachers, especially in urban America all across the country. We represent more teachers in higher education than the NEA does or the AAUP. We are a national organization, and the fact that we've got a large number of members in one place and growing numbers in others, doesn't make us any less of a national organization. Now what makes us qualified? Well, we started in 1960 with only 50,000 members in the country, and we've grown nine-fold in this short period of time, and we've also gotten te NEA to be a good union. We're continuing to grow, and eventually the teachers in this country will have one organization of three million members, and we'll have the strength and the single voice that we ought to have in this country. We're a national union because we've got membership all over, but more important than that, we've got the strength of the whole labor movement with us, and also we've got the right ideas. We had the ideas that teachers should have collective bargaining, should have the right to strike, should negotiate, should be involved in political action. None of these ideas came from the NEA, they all came from the American Federation of Teachers. We were the pioneer in this field, and we still are the pioneer now, in talking about welfare reform, tax reform, the relationship between unemployment and education. We're providing the ideas.

MERROW: Mr. Herndon, Mr. Shanker argues, perhaps very persuasively, that in fact the AFT is a national union, national leadership, but in fact the NEA is four times bigger than the American Federation of Teachers. Yet, Albert Shanker who's President of a much smaller union, is probably the best known education leader in the country. Woody Allen made him famous for one thing.

SHANKER: He only used me! (laughs)

MERROW: Do you object to living in the shadow of Albert Shanker.

HERNDON: (Laughter) First of all, I don't believe that I live in the shadow of Albert Shanker. NEA has its own legitimate existence. It is an important organization and a powerful organization: 1.7 million American educators, the majority of the teachers in every state except two, clear mandate to speak on behalf of American educators. We're proud of what we've accomplished, and we think we carry out our mandate rather effectively.

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MERROW: If you'd like a transcript of this program, send 50 cents to National Public Radio -- Education, Washington, D.C., 20036. A casette is available for $5.00. Ask for Program No. 91, "The Herndon-Shanker Debate." We'd like to know the call letters of your NPR station, and you might also want to ask for a free program guide, which lists our schedule for the next three months.

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MERROW: Special thanks to Terry Herndon, Executive Director of the National Education Association, and Albert Shanker, President of the American Federation of Teachers.

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MERROW: Wendy Blair will be back next week. I'm John Merrow, and this is NPR, National Public Radio.